

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**November 15, 2007**

Chairman T. Michalski called the meeting to order at 4:04 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, B. Turnquist, L. Spataro, B. Mazade, T. Michalski

MEMBERS ABSENT: J. Aslakson; T. Harryman, excused; S. Warmington, excused;  
Smith, excused

STAFF PRESENT: L. Anguilm, M. Cameron, D. Leafers

OTHERS PRESENT: S. Hardy

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of October 11, 2007 and the special meeting of October 25, 2007 be approved, was made by B. Larson, supported by B. Turnquist and unanimously approved.

NEW BUSINESS/PUBLIC HEARINGS

Hearing; Case 2007-42: Request for a rezoning for the property located at 145 W. Laketon Avenue, from R-1, Single Family Residential District to B-4, General Business District, by Jodi Carson, 1592 Sixth Street. L. Anguilm presented the staff report. This property is presently paved and was previously used as a parking area for display of cars associated with the property at 185 W. Laketon Avenue when it was Blais Lincoln Mercury. A majority of the parcel is zoned R-1, Single Family Residential, but there is a small rectangle in the southwest corner that is zoned B-4, General Business. This rezoning request would bring the entire parcel under the same zoning classification. The properties to the north and east are zoned R-1, and the parcels to the south and west are zoned B-4. There have been several uses in the building since the car dealership moved from the property a few years ago, and those uses all conformed with the B-4 zoning. The applicant is also applying for a special land use permit for the properties at 185 and 145 W. Laketon Avenue for a used car dealership, which is the subject of the next case. A comment was received via e-mail from Nils Bodman, 1901 5th Street. He has no issues with the rezoning. He does, however have concerns with the exterior maintenance of the building and cars parked on the street or in the alley and partial cars stored on the property for more than a few days. An e-mail was received from J. Gallagher of 1848 Fifth St. after the staff report was completed, and she is opposed to the request. Staff recommends approval of the request, because it conforms to the goals and recommendations of the City's 1997 Master Plan.

L. Anguilm distributed a detailed zoning map of the properties to show which areas were R-1 and which were B-4. S. Hardy stated that he planned to sell used cars on the property, and would keep it well maintained. He was currently located on W. Laketon west of Henry St., but he needed more room. He did not have a building at that location. B. Larson asked what his plans were for

renovating the property. S. Hardy stated that he would have the boats currently stored there removed, and he planned to paint in the spring, fix the pavement, and do some landscaping. B. Turnquist asked what the business hours would be. S. Hardy stated that they would probably be open from 10:00 a.m. to 6:00 p.m., Monday through Saturday. Board members asked if they could limit business hours and require specific renovations. L. Anguilm stated that it was possible to do that for the following case requesting the Special Use Permit.

A motion to close the public hearing was made by B. Larson, supported by L. Spataro and unanimously approved.

A motion that the request to rezone the property located at 145 W. Laketon Avenue from R-1, Single Family Residential district to B-4, General Business district, as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use and zoning district intent, was made by B. Larson, supported by L. Spataro and unanimously approved.

Hearing: Case 2007-43: Request for a Special Land Use Permit for a used car dealership at 185 and 145 W. Laketon Avenue, by Jodi Carson, MidWest Auto Sales, 1592 Sixth Street. L. Anguilm presented the staff report. The building at 185 W. Laketon Avenue is presently vacant, but has been used as a car dealership in the past. There have been other uses inside the building over the past couple of years, including a barber shop. The parcel at 145 W. Laketon Avenue is developed as a parking lot. The applicant wishes to use the two properties for a used car dealership. The parcel at 145 W. Laketon will be used to display cars, with the parcel at 185 W. Laketon used for employee and customer parking, as well as office space inside the building. The properties to the north and east are zoned R-1, and the parcels to the south and west are zoned B-4. The site plan submitted with the application showing the building does not show any striped spaces on the property. The site plan needs to be revised to show where the parking will be located in front of the building and indicate that it will be striped. The parking area in the rear also needs to be striped and the overgrowth removed. Areas of missing pavement need to be repaired. There are conditions listed in Section 1301 for special land use permits in B-4 that, as part of the approval, must be met in order to issue a special land use permit at a particular site. They are as follows: a) ingress and egress to the outdoor sales area shall be at least sixty feet from the intersection of any two streets, and b) no major repair or major refinishing shall be done on the lot, such use of land being only permitted in the I-1 and I-2 Industrial Districts. Due to requirement (a), the drive located in the northwest corner of the parking lot off of 6th Street, at 145 W. Laketon must be closed. This can be done by either placing bollards across the drive or removing the concrete leading into the drive and creating a green space and curbing to match what is already located between the two drives, from the sidewalk to the street. The only comment received regarding this case is the same one submitted for the previous rezoning case. Staff recommends approval of the request with the conditions listed in the staff report.

B. Mazade asked what type of landscaping was required for the site. L. Anguilm stated that, because there was very little green space on one lot and the other lot was all paved, there was not much landscaping that was required. B. Turnquist stated that he would like to see the one driveway closed off by removing the curb cut. L. Spataro stated that it could be expensive to do that, and provided some other examples of how the drive could be closed off. T. Michalski was concerned with nighttime lighting on the lot, since it was close to a residential area. S. Hardy stated that he would like to leave the outside lights on at night for security reasons. Board members discussed the landscaping, hours of operation, lighting, and curb cuts on the site. L. Spataro asked the applicant if

the hours of 9:00 a.m. to 7:00 p.m. would be acceptable to him. S. Hardy stated that it would. T. Michalski requested that a condition of approval be that if the current light fixtures are replaced, that they be 100% cutoff lighting. B. Mazade and L. Spataro asked for a time estimate for the landscaping to be completed. S. Hardy stated that he could have it done by June of 2008.

A motion to close the public hearing was made by B. Mazade, supported by B. Larson and unanimously approved.

A motion that the request for Special Land Use Permit, per section 1301 (#1) of Article XIII of the Zoning Ordinance, to allow for a used car dealership in a B-4 zoning district at 185 and 145 W. Laketon Avenue, by Jodi Carson, 1592 Sixth Street, MidWest Auto Sales, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance with the conditions that 1) the parking lots at 185 W. Laketon need to be striped and repaired as described in #4 of the staff report, 2) the drive into the property at 145 W. Laketon Avenue, located on the northwest corner off of 6<sup>th</sup> Street shall be permanently closed, 3) no major repair or refinishing of automobiles shall be done on the property, 4) the zone change for 145 W. Laketon Avenue is given final approval by the City Commission, 5) the owner/applicant shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 6) the Special Land Use Permit affidavit shall be recorded with the register of deeds prior to occupying the building, 7) the hours of operation shall be between 9:00 a.m. and 7:00 p.m., 8) if the parking lot lights are replaced, the new fixtures shall be 100% cutoff lighting, and 9) the landscaping will be cleared and repaired by June 2008, and the applicant will work with staff regarding proper materials, was made by L. Spataro, supported by B. Larson and unanimously approved.

Hearing; Case 2007-44: Staff-initiated request to amend Section 2334, #5, Signs, of Article XXIII, General Provisions, to add "sidewalk signs" as exempt signs in all zoning districts. Staff has received a request from the Lakeside Business District to review our sign ordinance in order to be more business-friendly, especially for small businesses in our community. At this time, "sandwich board signs" are only allowed in the Clay-Western historic district and the Lakeside Business District. Both districts have very defined borders. If your business isn't located in one of these districts, you may not use these types of portable signs. These signs seem to be a very effective marketing tool to announce special promotions. After several staff discussions, we reviewed an ordinance recently put into place in a neighboring community for "sidewalk signs" and thought we could make some changes that would make our sign ordinance more useful to all areas of the City. Businesses could then take advantage of these types of signs if they meet specific requirements. Our City Attorney's office gave us guidance and made suggestions for the proposed language changes. Staff has received no public comments on this request.

B. Larson asked if there were provisions for clear vision issues. M. Cameron stated that there was good corner clearance language covered in other parts of the sign ordinance.

A motion to close the public hearing was made by B. Larson, supported by L. Spataro and unanimously approved.

A motion that the amendment to Section 2334, #5 (Signs), of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to add "sidewalk signs" as exempt signs in all zoning districts, be recommended to the City Commission for approval, was made by B. Larson, supported by L. Spataro and unanimously approved.

Hearing; Case 2007-45: Staff-initiated request to amend Section 2334, #4 (i) Signs, of Article XXIII, General Provisions, to remove “A-frame signs” from “Prohibited Signs”. Provided that Planning Commission recommends adoption of the previous request for “sidewalk signs” to be included as exempt signs, the “A-frame signs” would then need to be removed from the section of the sign ordinance that deal with “Prohibited Signs. It would be recommended that the “Inverted T signs with spider legs” type of signs remain as prohibited signs. These signs are the ones that typically have changeable letters and flashing arrows or other lights on the top.

A motion to close the public hearing was made by B. Larson, supported by L. Spataro and unanimously approved.

A motion that the amendment to Section 2334, #4 (i) (Signs), of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to remove A-frame signs from Prohibited Signs, be recommended to the City Commission for approval, was made by B. Larson, supported by L. Spataro and unanimously approved.

Hearing; Case 2007-46: Staff-initiated request to amend Article II, Definitions, to add a definition for “Sidewalk Sign”. In order to clarify what a “Sidewalk Sign” is, the following definition is proposed to be added to the Definitions section of the zoning ordinance, with renumbering of the subsequent listed types of signs: New #27. “Sidewalk Sign: A temporary sign placed on the sidewalk or private property adjacent to the commercial activity it advertises, that is of either an A-frame or T design and may be no larger than 10 square feet in display area.”

A motion to close the public hearing was made by B. Mazade, supported by B. Larson and unanimously approved.

A motion that the amendment to Article II, Definitions, of the City of Muskegon Zoning Ordinance to add a definition for “Sidewalk Sign”, be recommended to the City Commission for approval, was made by B. Larson, supported by B. Turnquist and unanimously approved.

## OLD BUSINESS

Case 2007-37: Request for site plan review for a building expansion at 1221 W. Laketon Avenue, by Susan Johnson, Every Woman’s Place – Tabled from the September meeting – Remains tabled. L. Spataro was concerned with this case still being tabled. L. Anguilm stated that she would contact personnel from Every Woman’s Place to see what their plans were.

## OTHER

Mart Dock – L. Spataro stated that the Mart Dock people had some concerns about moving the Clipper to their property and its effect on the zoning of their property. B. Mazade stated that he has met with people from the Clipper and the City is working with them.

There being no further business, the meeting was adjourned at 4:55 p.m.

dml